



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

FREEDOM SCHOOL EMPLOYEES
ASSOCIATION

Petitioner

and

FREEDOM SCHOOL BOARD

Respondent

CASE NO. T-0406

DECISION NO. 92-146

APPEARANCES

Representing Freedom School Employees Association:

Deborah Tashjian, F.S.E.A.

Representing Freedom School Board:

Candace Brown, Superintendent
Richard Sargent, Board Member

BACKGROUND

The Freedom School Employees' Association (Association) filed a Petition for Certification on June 25, 1992 for employees in the following positions: classroom teachers (7), Chapter I Reading Specialist (1), School Secretary (1), and School Custodian (1). Superintendent Candace Brown filed a letter of exception to the petition on behalf of the Freedom School Board (Board) also on June 25, 1992. She noted that the Board objected to the composition of the proposed unit which would combine both professional and support staff. RSA 273-A:8. This matter was then heard by the PELRB on September 15, 1992.

FINDINGS OF FACT

1. The Petition for Certification, if granted, would combine professional and support personnel in one bargaining unit.

2. Unlike teachers and other classroom personnel, custodians have no direct student contact or educational responsibilities. The custodian does not work the same hours as instructional personnel, requires no state certification in order to be employed, and is compensated on an hourly basis rather than by an annual salary. This divergence of responsibilities and working conditions leads us to conclude the custodian does not have a community of interest with other positions proposed for the bargaining unit as is required by RSA 273-A:8 I.
3. The custodian does not share a community of interest with other members of the unit.

DECISION AND ORDER

1. The position of custodian is EXCLUDED.
2. This exclusion brings the total number of employees to less than ten (10). RSA 273-A:8 I.
3. Accordingly, the petition is DENIED.

So ordered.

Signed this 29th day of September, 1992.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding.
Members Arthur Blanchette and Seymour Osman present and voting.